

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David P. Ress et al.

Serial No. 10/742,324

Filed: 12/19/2003

For: **METERING IN PACKET-BASED TELEPHONY NETWORKS**

Examiner: Rasha S. Al Aubaidi

Art Unit: 2614

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

ONE-MONTH EXTENSION OF TIME

Please consider this a request for a One-month Extension of Time for responding to the Advisory Action in the above-identified application. Applicant encloses a payment in the amount of \$120.00 to cover the fee associated with this extension of time. A Notice of Appeal is being filed concurrently with this extension.

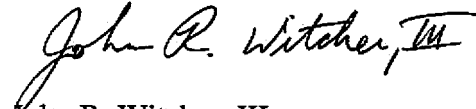
Applicant wishes to note that only a one-month extension of time should be required in association with this Notice of Appeal. A Final Office Action was mailed on March 25, 2008. Applicant filed a response on May 23, 2008, within two months of the mailing date of the Final Office Action. An Advisory Action was mailed on July 9, 2008, which is after the three-month date. In the Advisory Action mailed July 9, 2008, the Examiner improperly indicated that "The period for reply expires 3 months from the mailing date of the final rejection." Because Applicant filed a response within two months of the mailing date of the final rejection, and the Examiner issued an Advisory Action after the three month date of the final rejection, the period for reply should run from the date of the Advisory Action. M.P.E.P. § 706.07(f). Thus, the extension of time fee is calculated from the July 9, 2008 mailing date, and only a one-month extension of time is necessary. As such, Applicant encloses a payment for a one-month extension of time.

If any additional fees are required in associated with this request for an additional necessary extension or for any other reason, the Director is hereby authorized to charge them to Deposit Account 50-1732, and to consider this a petition therefor.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

A handwritten signature in cursive script that reads "John R. Witcher, III". The signature is written in dark ink and is positioned to the right of the word "By:".

John R. Witcher, III

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Date: July 30, 2008

Attorney Docket: 7000-296